

California Regional Water Quality Control Board  
North Coast Region

Administrative Civil Liability Order No. R1-2007-0038

For

Violation of Waste Discharge Requirements  
Order Nos. SWRCB 2000-03 and R1-2006-0045  
NPDES No. CA0022764

In the Matter of the  
City of Santa Rosa  
Subregional Water Reclamation Facility  
WDID No. 1B83099OSON

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), having received from the City of Santa Rosa (hereinafter Discharger) a request for the opportunity to implement two projects in lieu of a portion of the penalty assessed by an administrative civil liability complaint, finds the following:

1. The Discharger owns, operates, and maintains the Subregional Water Reclamation Facility (Facility) located at 4300 Llano Road in Santa Rosa. The Facility serves the cities of Cotati, Rohnert Park, Santa Rosa, Sebastopol, and the unincorporated South Park County Sanitation District. The Facility is permitted to collect and treat an average of 21.3 million gallons of wastewater per day. Reuse and disposal of all advanced treated water is accomplished through a system that combines water reclamation with discharge to surface waters during the allowable discharge period of October 1 through May 14.
2. The State Water Resources Control Board adopted Order No. SWRCB 2000-03 on March 15, 2000. Order No. R1-2006-0045 was adopted by the Regional Water Board on September 20, 2006 and became effective on November 9, 2007. The Order states in part that: "IT IS HEREBY ORDERED, that Order No. 2000-03 (the "Long Range" NPDES Order) is rescinded upon the effective date of this Order except for enforcement purposes..." The Order serves as a National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022764.

3. The violations of the waste discharge requirements are:

### **Discharge Prohibitions**

Between August 2, 2004 and December 31, 2006, the Discharger reported twenty-two discharges of untreated waste from the wastewater collection system (Sewer System Overflows, or SSOs).

SSOs are prohibited by section A.6 of Order No. SWRCB 2000-03, which reads:

“A.6 The discharge of untreated or partially treated waste from the Laguna Subregional Facilities is prohibited.”

SSOs are prohibited by section III.E of Order No. R1-2006-0045, which states:

“Any sanitary sewer overflow (SSO) that results in a discharge of untreated or partially treated wastewater to (a) waters of the state, (b) groundwater, or (c) land that creates a pollution, contamination, or nuisance as defined in CWC section 130050(m) is prohibited.”

### **Discharge of Recycled Water to Unpermitted Lands**

On September 3, 2004, the Discharger discharged 500,000 gallons of advanced treated water for fire suppression at the Geysers. The Discharger does not own or control the land where the fire occurred. This event is in violation of section A.3 of Order No. SWRCB 2000-03, which reads:

“A.3 There shall be no discharge of advanced treated wastewater or any wastewaters to land which is not owned or under agreement to use by the permittee.”

### **Spills of Recycled Water**

Between September 9, 2005 and December 31, 2006, the Discharger reported seven discharges of advanced treated water from the reclamation system. These violated section A.4 of Order No. SWRCB 2000-03, which reads:

“A.4 There shall be no discharge of advanced treated water from any point in the Laguna Subregional Facilities other than those identified in Finding 10.” (Finding 10 identifies the allowable locations for discharge of recycled water to surface waters.);

And section III.G of Order No. R1-2006-0045, which states: “The discharge of waste at any point not described in Finding II.B or authorized by any State Water Board or Regional Water Board permit is prohibited.”

### **Bypass of Treatment Plant Processes**

On December 31, 2005, the Laguna de Santa Rosa overflowed its banks and flooded portions of the Facility to a depth of one to two feet. During the flooding that occurred on December 31, 2005 and January 1, 2006, the Facility continued to operate. However, flooding of the channel conveying partially treated water from the secondary clarifiers to the filtration facility resulted in a massive amount of floodwater inflow to the system and bypassing of the ultraviolet light disinfection system. Floodwaters also inundated the Facility’s discharge ponds, which hold treated effluent, and inundated the Facility’s effluent channel.

During the flood event, the south electrical load center that supplies power to the tertiary treatment and disinfection processes was threatened with inundation and had to be sandbagged to prevent flooding and shutdown. Had the load center failed, the processes would have been out of service for several weeks. Protection of the load center is critical to the long-term reliability of the Facility.

The resulting discharges are in violation of section A.4 of Order No. SWRCB 2000-03, which reads:

“A.4. There shall be no discharge of advanced treated water from any point in the Laguna Subregional Facilities other than those identified in Finding 10.”;

and section A.6 of Order No. SWRCB 2000-03, which reads:

“A.6. The discharge of untreated or partially treated waste from the Laguna Subregional Facilities is prohibited.”;

These exceedances are both in violation of section B.1. of Order No. SWRCB 2000-03, which specifies allowable limits for constituent concentrations in effluent.

### **Effluent Limitations**

Between November 6, 2004 and December 31, 2005, the Discharger reported the two exceedances of total coliform effluent limits specified in Order No. SWRCB 2000-03:

These exceedances are in violation of section B.1. of Order No. SWRCB 2000-03, which specifies allowable limits for constituent concentrations in effluent.

### **Receiving Water Limitations**

From May 10, 2005 until May 14, 2005, the Discharger reported 5 exceedances of temperature limitations that are in violation of sections C.10.a and C.10.b of Order No. SWRCB 2000-03, which read as follows:

“C.10.a. When the receiving water is below 58°F, the discharge shall cause an increase of no more than 4°F in the receiving water, and shall not increase the temperature of the receiving water beyond 59°F. No instantaneous increase in receiving water temperature shall exceed 4°F at any time.”

“C.10.b. When the receiving water is between 59°F and 67°F, the discharge shall cause an increase of no more than 1°F in the receiving water. No instantaneous increase in receiving water temperature shall exceed 1°F at any time.”

During this period, ambient water temperature varied diurnally from a lower bound of 58°F to an upper bound of 65°F.

### **Water Reclamation Requirements**

Between December 28, 2005 and February 27, 2006, the Discharger reported nine violations of section D.1 of Order No. SWRCB 2000-03, which provides:

“D.1. Reclaimed water shall be managed in conformance with regulations contained in Title 22, Division 4, Chapter 3, California Code of Regulations.”

The cited reference in the California Code of Regulations is section 22 CCRs 60301.320, which, as it applies to the Discharger's subregional water reclamation system, states that:

“‘Filtered wastewater’ means an oxidized wastewater that... has been coagulated and passed through natural undisturbed soils or a bed of filter media... at a rate that does not exceed 5 gallons per minute per square foot of surface area in mono, dual or mixed media gravity, up-flow or pressure filtration systems.”

The violations occurred when the flows through the filters exceeded five gallons per minute.

### **Solids Disposal**

On April 14 and April 19, 2006, the Discharger reported that biosolids were discharged onto the Llano Road right-of-way from a faulty pipe. This is a violation of Order No. SWRCB 2000-03, which provides:

“E.1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the provisions of Title 27, Division 2 of the California Code of Regulations.”

### **Monitoring and Reporting**

During the period between October 1, 2004 and December 31, 2006, the Discharger reported 44 instances of equipment malfunction or monitoring incidents, in violation of Order No. SWRCB 2000-03, which provides:

“G.24. Monitoring: The Regional Water Board or State Water Board may require the permittee to establish and maintain records, make reports, install, use and maintain monitoring equipment or methods (including where appropriate biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. (CWC Section 13267 and 13383)”;

and, VI. B.1. of Order No. R1-2006-0045 which says:

“The Discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this order.”

All 44 of these incidents have been determined to be violations of applicable permit terms. They resulted from monitoring and reporting not being performed due to equipment failure or human error.

4. On February 1, 2007, the Executive Officer issued Administrative Civil Liability Complaint No. R1-2007-0012 assessing a civil liability of \$194,500 for the violations described in Finding No. 3 above. On February 27, 2007, the Discharger waived its right to a public hearing within 90 days in order to have additional time to propose projects in lieu of full payment of the civil liability contained in the complaint. The Discharger will pay \$89,750 to the State Water Pollution Cleanup and Abatement Account (CAA) and has proposed two projects with a minimum value of \$104,750 to offset the remainder of the \$194,500.
5. The Discharger will develop and organize a pharmaceutical outreach program to increase the public awareness of the dangers of improper disposal of pharmaceuticals and personal care products. The program will include the

development of a work plan during fiscal year 2007-2008 and will implement a two-day Safe Medicine Disposal Event in fiscal year 2008-2009. The medicines will be collected from two locations in Santa Rosa, one location in the City of Cotati, one location in the City of Rohnert Park, one location in the City of Sebastopol, and other locations if a joint effort with the Russian River Watershed Association can be coordinated. The program is being patterned after a program developed and implemented by the Bay Area Pollution Prevention Group (BAPPG) that piloted a regional collection event for residential pharmaceutical wastes in May of 2006 at 29 locations throughout the San Francisco Bay area.

It is anticipated that the program will cost between \$70,000 and \$110,500 for a one-time event. The long-term goal of the project is to provide a sustainable solution to the proper disposal of pharmaceuticals.

A flood protection wall has been constructed around the south electrical load center to prevent future flooding. The project was started in mid-November of 2006 and was completed in the first week of February 2007. The project consists of 107 lineal feet of reinforced concrete wall 6 inches thick and 2 feet high surrounding the load center. It includes two gated openings to allow for maintenance of the transformers and related electrical equipment. The gates are closed and sealed during the winter season when a flood event is threatening. A sump pump removes any rainwater that collects within the enclosure. The total cost of the project was \$40,834.

The costs of the pharmaceutical take back program and the flood protection wall around the south electrical load station offset the balance of the civil liability of \$194,500 after \$89,500 is paid to the CAA.

6. A duly noticed public hearing on this matter was held before the Regional Water Board on June 14, 2007 at the Regional Water Board office in Santa Rosa, California. The documents for the agenda item were provided to the Discharger and made available to the public prior to the hearing. The Discharger and the public were given the opportunity to testify and present evidence regarding the proposed settlement.
7. At the hearing, the Regional Water Board considered whether to affirm, reject, or modify the Administrative Civil Liability Order and any other action appropriate as a result of the hearing.
8. The issuance of this Order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000-21177) pursuant to title 14, California Code of Regulations, sections 15308 and 15321, subdivision (a)(2).

9. Any person affected by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within thirty days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED pursuant to Water Code section 13385 that:

1. The Discharger shall be assessed a total civil liability of \$194,500. The Discharger shall pay the sum of \$89,750 to the CAA within thirty days of adoption of this Order. The Discharger has proposed two projects with a minimum value of \$110,834. Upon the Executive Officer's determination that the projects, as described in Finding 5 of this Order, have been satisfactorily completed, the \$104,750 suspended liability will be permanently suspended. The flood protection project is complete and Discharger shall submit progress reports describing the planning and implementation of the pharmaceutical take back project according to the following time schedule:

DUE DATE	TASK
July 15, 2007	Submit a report describing the commencement of planning activities. Include a copy of the Outreach Event Work Plan.
November 15, 2007	Submit a report describing planning activities as of October 31, 2007. Include a time schedule of actions leading up to the collection event
March 15, 2008	Submit a report describing planning activities as of February 28, 2008
July 15, 2008	Submit a report describing activities as of June 30, 2008
November 15, 2008	Submit a report describing activities as of October 31, 2008.
March 15, 2009	Submit a report describing activities as of February 28, 2009.
July 31, 2009	The collection event should be completed. Submit a final report certifying completion of the project and describe the results of the collection. Include a post project accounting of expenditures with proof of payment.

2. If, given written justification from the Discharger, the Executive Officer determines that a delay in the project implementation schedule was beyond the reasonable control of the Discharger, the Executive Officer may revise the implementation schedule as appropriate. Written justification must be received by the Executive Officer before the specific due date occurs, must

describe circumstances causing the delay, and must state when each task will be completed.

3. The remaining penalty amount of \$104,750 shall be permanently suspended if the Executive Officer determines that the Discharger has completed the projects and provides the Regional Water Board with the scheduled progress reports toward completion of the projects and the final report due on July 31, 2009. The flood protection wall project is hereby determined to be complete and \$40,834 of the remaining penalty amount of \$104,750 is permanently suspended. If the Discharger fails to adequately complete the approved pharmaceutical take back project or fails to complete any of the above-described tasks by the corresponding due date, the Executive Officer may require immediate payment of the remaining \$63,916 of suspended liability to the CAA. Payment of the suspended amount does not relieve the Discharger of the independent obligation to take necessary actions to achieve compliance.
4. Notwithstanding the issuance of this Order, the Regional Water Board shall retain the authority to assess additional penalties for violations of the Discharger's Waste Discharge Requirements.

#### Certification

I, Catherine E. Kuhlman, Executive Officer,  
do hereby certify that the foregoing is a full, true,  
and correct copy of an Order adopted by the  
California Regional Water Quality Control Board, North Coast Region,  
on June 14, 2007

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Catherine E. Kuhlman  
Executive Officer